

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOSEPH MICHAEL DEVON ENGEL, )  
Plaintiff, )  
v. ) Case No. 4:20-cv-1912-SEP  
CO1, et al., )  
Defendants. )

## **MEMORANDUM AND ORDER**

This matter comes before the Court on its own motion. On February 8, 2021, the Court directed Plaintiff to file an amended complaint within twenty-one (21) days. Doc. [5]. Plaintiff has failed to comply. For the following reasons, the action will be dismissed without prejudice.

Plaintiff is a self-represented litigant who filed this civil action on December 21, 2020. Plaintiff's complaint was handwritten on two pages of notebook paper and named the following defendants in their official and individual capacities: CO1; CO2; Sg.; LT; Captin; Corpel; Major; Freemen; Caseworker; CCA; Assist Warden; Warden; MODOC; ERDCC; P&P ERDCC IPO; P&P ERDCC Supsvor; P&P Director; P&P Assist Director; P&P; Assist Superintendent; Superintendent; Director; Assist Director; Assist ATT General; ATT General; LT Govener; Govener; Senotor; and House Rep MO.<sup>1</sup>

This matter is one of more than 130 civil rights actions Plaintiff has filed in this Court since September of 2020. Plaintiff's complaint alleges:

I am in the whole [sic] in ERDCC 7 HU absolut[el]y for not[h]ing. Won't let me out [and] can't use the phone. Being treated like I've done something wrong. I was suppose to get out on [] 10-7-20 ain't seen nobody at all. I'm going crazy down here. It's cruel and unuselly [sic] punishment. This is wrong. I [am] a sourvin [sic] citiz[e]n. I should not be treated like this at all.

Doc. [1] at 2. Plaintiff provides no additional facts demonstrating why his placement into the “whole” or administrative segregation amounts to a constitutional violation. Additionally, Plaintiff neither indicates the relationship between the defendants and his claim nor identifies exactly who at the prison purportedly violated his rights.

<sup>1</sup> The Court has listed the defendants using Plaintiff's own spelling and abbreviations.

On February 8, 2021, the Court directed Plaintiff to file an amended complaint. Doc. [5]. In so doing, the Court noted Plaintiff's complaint was subject to dismissal because he did not explain how his rights were violated, who purportedly violated his rights, and how the named defendants were directly involved in or personally responsible for the alleged violations. Plaintiff was given twenty-one (21) days to file an amended complaint. Plaintiff was also directed to either file a motion to proceed *in forma pauperis* on a Court-provided form or pay the full filing fee. The filings were due on March 1, 2021. He was advised that failure to respond would result in the dismissal of this action without prejudice and without further notice.

Plaintiff did not file an amended complaint or a motion to proceed *in forma pauperis* by March 1<sup>st</sup>, as directed. Plaintiff did not pay the Court's filing fee. Further, he has not filed a motion with the Court seeking an extension of time in which to comply. Under Federal Rule of Civil Procedure 41(b), an action may be dismissed for failure to comply with a court order. *See* Fed. R. Civ. P. 41(b). *See also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (district court may dismiss a self-represented litigant's action for failure to comply with court order on its own initiative). Because Plaintiff has not complied with the Court's Order of February 8, 2021, or filed any motion seeking an extension of time in which to comply, the Court will dismiss this action without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice for failure to comply with the Court's order of February 8, 2021. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

**IT IS FURTHER ORDERED** that an appeal from this dismissal would not be taken in good faith.

Dated this 19<sup>th</sup> day of March, 2021.

  
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SARAH E. PITLYK  
UNITED STATES DISTRICT JUDGE